



MURIEL BOWSER
MAYOR

2019 FEB 28 PM 12:53
OFFICE OF THE
SECRETARY

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration by the Council is the following legislation entitled the "Old Hardy School Disposition and Lease Approval Emergency Declaration Resolution of 2019"; the "Old Hardy School Disposition and Lease Approval Emergency Act of 2019"; the "Old Hardy School Disposition and Lease Approval Temporary Act of 2019"; and the "Old Hardy School Disposition and Lease Approval Act of 2019".

As you may recall, Council approved the "Hardy School Disposition and Lease Authorization Emergency Amendment Act of 2016" in December 2016. While not opposed to the disposition of the Hardy School building to the Lab School, I returned the bill unsigned due to my substantial concerns regarding the encroachment on the separation of powers between the legislative and executive branches established in the Home Rule Act.

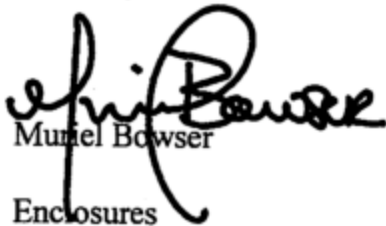
The Mayor's authority to dispose of surplus District property is established in the Home Rule Act. Although the emergency bill did not mandate the disposition, it was an overreach of the Council's legislative authority as the Executive is the proper body to initiate District property dispositions. In addition, the bill encroached upon an executive function by selecting a specific entity to which a property would be disposed.


The District and the Lab School are currently in negotiations regarding the terms and conditions of the proposed lease agreement. Therefore, I am transmitting the attached legislation. I urge the Council to take prompt and favorable action to approve the "Old Hardy School Disposition and Lease Approval Emergency Declaration Resolution of 2019"; the "Old Hardy School Disposition and Lease Approval Emergency Act of 2019"; the "Old Hardy School Disposition

and Lease Approval Temporary Act of 2019"; and the "Old Hardy School Disposition and Lease Approval Act of 2019", in accordance with the support you have already demonstrated by your approval of the "Hardy School Disposition and Lease Authorization Emergency Amendment Act of 2016."

If you have any questions, please contact Keith Anderson, Director, Department of General Services, at (202) 727-2800.

Sincerely,


Muriel Bowser
Enclosures


Chairman Phil Mendelson
at the request of the Mayor

A RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to dispose of District-owned real property located at 4470 Q Street, N.W. (also known as 1550 Foxhall Road, N.W.), commonly known as the Old Hardy School and more specifically designated for tax and assessment purposes as Lot 0980 in Square 1363, to The Lab School of Washington, Inc.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Old Hardy School Disposition and Lease Approval Emergency Declaration Resolution of 2019”.

Sec. 2.(a) There exists an immediate need to dispose of District-owned real property located at 4470 Q Street, N.W. (also known as 1550 Foxhall Road, N.W.), commonly known as the Old Hardy School and more specifically designated for tax and assessment purposes as Lot 0980 in Square 1363 (“Property”), to The Lab School of Washington, Inc. (“Lessee”).

(b) The Property is currently leased to Lessee pursuant to a lease agreement which expires on December 31, 2023. Lessee has occupied the property under the lease agreement since 2007, and operates a school for students with learning differences.

(c) The Property needs continued investment which includes capital

improvements. In order to invest funds into the Property and make such capital improvements, Lessee requires a longer term lease.

(d) A longer lease term will provide stability to the school and allow Lessee to make additional investments in the building.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the “Old Hardy School Disposition and Lease Approval Emergency Declaration Resolution of 2019” be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.